

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTHUR BASELICE JR., AS
ADMINISTRATOR AD
PROSEQUENDUM AND
ADMINISTRATOR OF THE ESTATE OF
ARTHUR BASELICE, III, DECEASED
170 VICTORIA AVENUE
MANTUA, NEW JERSEY 08051,

Plaintiff,

vs.

FRANCISCAN FRIARS ASSUMPTION
BVM PROVINCE, INC.
9230 WEST HIGHLAND PARK AVENUE
FRANKLIN, WISCONSIN 53132-8143;

and

ARCHDIOCESE OF PHILADELPHIA
222 N. 17TH STREET
PHILADELPHIA, PENNSYLVANIA
19103;

and

CHARLES NEWMAN
SS. FRANCIS AND CLARE FRIARY
9230 W. HIGHLAND PARK AVENUE
FRANKLIN, WISCONSIN 53132;

and

ABC CORPORATIONS, ONE
THROUGH TEN
(SAID NAMES BEING FICTITIOUS);

and

JOHN DOE, ONE THROUGH TEN
(SAID NAMES BEING FICTITIOUS),

Defendants.

No. _____

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY:**

Defendant Archdiocese of Philadelphia (the “Archdiocese”), hereby removes this action to this Court from the Superior Court of New Jersey, Law Division, Civil Part, Cape May County, under 28 U.S.C. §§ 1332, 1441 and 1446. In support of removal, the Archdiocese Defendants state as follows¹:

1. In accordance with Local Rule 10.1(a), the addresses of the named parties are:
 - a. Plaintiff Arthur Baselice Jr., as Administrator ad Prosequendum and Administrator of the Estate of Arthur Baselice, III, resides at 170 Victoria Avenue, Mantua, New Jersey 08051, according to the Complaint.
 - b. Defendant Archdiocese of Philadelphia is a nonprofit religious organization with its principal place of administration located at 222 N. 17th Street, Philadelphia, Pennsylvania, 19103.
 - c. Defendant Franciscan Friars Assumption BVM Province, Inc. is located at 9230 West Highland Park Avenue, Franklin, Wisconsin 53132, according to the Complaint.
 - e. Defendant Charles Newman resides at 9230 W. Highland Park Avenue, Franklin, Wisconsin 53132, according to the Complaint.

INTRODUCTION

2. On November 29, 2021, Plaintiff commenced this action by filing a complaint in the Superior Court of New Jersey, Law Division, Civil Part, Cape May County, captioned *Baselice Jr. v. Franciscan Friars Assumption BVM Province, Inc.*, No. CPM-L-000483-21. (Exhibit A.)

¹ In accordance with 28 U.S.C. § 1446(a) and Local Rule 5.2, copies of all documents filed in the Superior Court of New Jersey and all other process, pleadings and orders served on the Archdiocese are attached as Exhibit A.

3. Plaintiff's complaint alleges that Plaintiff's decedent, Arthur Baselice III, was sexually abused by Defendant Charles Newman. According to the Complaint, Newman, a member of the Order of Friars Minor (the "Franciscan Friars") worked at Archbishop Ryan High School, which is within the Archdiocese. In connection with their alleged failure to adequately supervise Newman, Plaintiff alleges negligence and related claims against the Archdiocese and Defendant Franciscan Friars Assumption BVM Province, Inc. Plaintiff also brings a claim for assault and battery against Newman. (*Id.*)

4. On December 15, 2021, the Archdiocese was served with the Complaint.

5. This case is removable to this Court on the basis of diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff is a New Jersey citizen, the Archdiocese is a Pennsylvania citizen, and the other two defendants are Wisconsin citizens.

6. Defendant Franciscan Friars Assumption BVM Province, Inc. consents to removal.

7. On information and belief, Defendant Charles Newman has not been served in this case. Accordingly, Newman's consent is not required to remove this action. *See* 28 U.S.C. § 1446(b)(2)(A).

8. Removal is timely. *See* 28 U.S.C. § 1446(b)(1) (a notice of removal shall be filed "within thirty days after receipt by the defendant . . . of a copy of an amended pleading, motion, order, or other paper from which it may first be ascertained that the case is one which is or has become removable.").

VENUE AND PROCEDURAL COMPLIANCE

9. Venue in this Court is proper under 28 U.S.C. § 1441(a) because this action was originally filed in the Superior Court of New Jersey, Law Division, Civil Part, Cape May County, which is within the District of New Jersey. *See* 28 U.S.C. § 110.

10. Under 28 U.S.C. § 1446(d), the Archdiocese Defendants will promptly file a copy of this Notice of Removal in the Superior Court of New Jersey, Law Division, Civil Part, Cape May County, and give Plaintiffs written notice of the removal of this action.

COMPLETE DIVERSITY OF CITIZENSHIP EXISTS

11. This Court has original jurisdiction under 28 U.S.C. § 1332(a), and this action may be removed by the Archdiocese under 28 U.S.C. § 1441(a) because it is a civil action in which: (1) complete diversity of citizenship exists and (2) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

12. Complete diversity of citizenship of the parties exists, as follows:

a. Plaintiff Arthur Baselice Jr., as administrator for the Estate of Arthur Baselice III, is a citizen of New Jersey. “[T]he legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent.” 28 U.S.C. 1332(c)(2). Thus, Plaintiff Arthur Baselice Jr.’s citizenship is determined by Arthur Baselice III’s citizenship at the time of his death. Arthur Baselice III died in New Jersey. Accordingly, Plaintiff Arthur Baselice Jr. is a citizen of New Jersey for purposes of diversity jurisdiction.

b. Defendant Archdiocese is a citizen of Pennsylvania. The Archdiocese is a nonprofit religious organization with its principal place of administration located at 222 N. 17th Street, Philadelphia, Pennsylvania, 19103. The Archdiocese is an “unincorporated association” for purposes of diversity jurisdiction, whereby “the citizenship of . . . unincorporated associations is determined by the citizenship of their . . . members.”

Lincoln Ben. Life Co. v. AEI Life, LLC, 800 F.3d 99, 105 (3d Cir. 2015). All the Archdiocese's members are citizens of Pennsylvania.

c. Defendant Franciscan Friars Assumption BVM Province, Inc. is a citizen of Wisconsin because it is based in Wisconsin and is incorporated in Wisconsin. *See* 28 U.S.C. § 1332(c).

d. Defendant Charles Newman is a citizen of Wisconsin. The Complaint alleges that Newman lives in Wisconsin.

THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

13. District courts have subject-matter jurisdiction over civil actions where complete diversity of citizenship exists and the amount in controversy exceeds \$75,000, exclusive of interests and costs. 28 U.S.C. § 1332(a).

14. Plaintiff's complaint does not specify the amount in controversy. However, "as specified in § 1446(a), a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold"; evidentiary submissions are not required with this Notice of Removal. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014).

15. The amount in controversy exceeds the jurisdictional minimum of \$75,000.

16. In this case, Plaintiff seeks damages for wrongful death and punitive damages. This is consistent with other cases against the Archdiocese in which plaintiffs have sought well over \$75,000 in damages.

17. Accordingly, the amount-in-controversy requirement of 28 U.S.C. § 1332 is satisfied.

CONCLUSION

18. As set forth above, the Archdiocese has established that this Court has original jurisdiction under 28 U.S.C. § 1332 because (1) complete diversity exists and (2) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

19. As set forth above, removal is proper under 28 U.S.C. §§ 1441 and 1446 because (1) this Court has original jurisdiction under 28 U.S.C. § 1332; (2) no defendant is a citizen of New Jersey; (3) all joined and served defendants consent to removal, and (4) removal is timely.

WHEREFORE, the Archdiocese Defendants remove this matter to this Court under 28 U.S.C. §§ 1332, 1441 and 1446.

Dated: January 14, 2022

CONRAD O'BRIEN P.C.

s/ Nicholas M. Centrella
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*Attorneys for Defendant Archdiocese of
Philadelphia*

CERTIFICATION

Under Local Rule 11.2, the undersigned certifies that the matters raised in this action are not the subject of any other pending lawsuit, arbitration, or administrative proceeding, except the state-court action, which is being removed.

s/ Nicholas M. Centrella

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Attorneys for Defendant

Archdiocese of Philadelphia

CERTIFICATE OF SERVICE

I, Nicholas M. Centrella, certify that on January 14, 2022, I caused a true and correct copy of the foregoing Notice of Removal to be served on the below-listed counsel by email and additionally by U.S. mail (if the below-listed counsel does not agree to accept service by email):

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